

b.) Remarks

Claims 62, 78, 90 and 94 have been amended in order to recite the present invention with the specificity required by statute. Claims 47, 55, 63, 79 and 90 were also amended to more specifically limit the subject matter of their antecedent claims. The subject matter of the amendment may be found in the specification as filed, *inter alia*, at page 4, lines 10-13 and page 8, line 2. Accordingly, no new matter has been added.

Claims 46-49, 51, 54-57, 59, 88, 89 and 91-94 are allowed and claim 86 is indicated as being allowable. In this regard, it is Applicants' understanding that claim 86 is allowable as well (see section 6 at page 9 of the office action; checked item No. 8 at the Office Action Summary appears to be typographical error and should have been item No. 5). Also, there is no rejection made anywhere of claim 18; accordingly, it should have been allowed as well. Clarification is respectfully requested.

Claims 62-65, 67, 69, 78-81, 83, 85, 101, 102, 115-119, 130 and 131 are rejected under 35 U.S.C. §112, first paragraph "for not enabling the scope of the claimed invention," as set forth in the office actions mailed August 18, 2003 and April 20, 2004. In response, claim 62 has been amended to specify that the fragment comprises amino acids 26-341 or 363-380 of SEQ ID NO:4 (c.f., page 4, lines 7-11 of the Office Action). Additionally, claim 78 has been amended to change "hybridizes to the" to read --hybridizes to a compliment of the-- (c.f., page 4, lines 14-17 of the Office Action). Accordingly, this rejection is overcome.

Claims 41, 53, 61, 69, 85, 87 and 96-131 are also rejected under 35 U.S.C. §112, first paragraph, as failing to be supported by enabling disclosure since the Examiner contends it would require undue experimentation to practice these method claims.

Respectfully submitted, this rejection is without basis in law or in fact; there is simply no duty in the law to “disclose a single case where administration of said antibody resulted in the treatment of any condition” (c.f., page 9, lines 1-2 of the Office Action). Moreover, the post-filed references submitted previously illustrate use of the antibodies for, e.g., cancer treatment and clearly show that such did not require undue experimentation. Nonetheless, solely in order to reduce the issues and expedite prosecution herein, these claims have been cancelled without prejudice or disclaimer.¹ Accordingly, this rejection is mooted.

Claims 78-81, 83, 85, 90, 101, 102 and 120-124 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response, claim 78 has been amended to recite hybridization conditions of 0.1xSSC at 65°C. Accordingly this rejection is overcome as well.

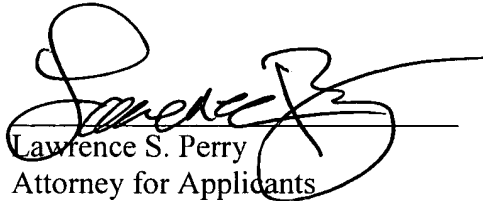
In view of the above amendments and remarks, Applicants submit that all of the Examiner's concerns are now overcome and the claims are all now in allowable condition. Accordingly, allowance of this application and passage to issue are earnestly solicited.

Claims 18, 46-49, 51, 54-57, 59, 62-65, 78-81, 83, 86 and 88-94 remain presented for continued prosecution.

¹ Applicants currently intend to submit them for further consideration by way of divisional application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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